

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
04-10319-WGY

* * * * *
UNITED STATES OF AMERICA
v.
FRANCISCO NAVARRO
* * * * *

SENTENCING EXCERPT

BEFORE: The Honorable William G. Young,
District Judge

1 Courthouse Way
Boston, Massachusetts

October 6, 2005

1 **THE COURT:** Mr. Francisco Navarro, taking into
2 account the elements set forth in 18 United States Code,
3 Section 3553, the information from the United States
4 Attorney, your attorney, the probation officer, this Court
5 sentences you to two years, 24 months, in the custody of the
6 United States Attorney General on each of the counts of
7 conviction, the sentence on each count to run concurrent one
8 with the other. Thereafter, the Court imposes upon you
9 three years of supervised release. The Court imposes no
10 fine due to your inability to pay a fine. The Court imposes
11 a special assessment of \$200.

12 The special conditions of your supervised release
13 are that you not commit another crime; you're refrained from
14 any unlawful use of a controlled substance; you submit to
15 the collection of a DNA sample; you comply with the standard
16 conditions of probation; you're prohibited from possessing a
17 firearm or other dangerous weapon; you're to participate in
18 a mental health program as directed by the probation office;
19 required to contribute to the costs of such program to the
20 extent of your ability.

21 You're to use your true name and are prevented from
22 using any false identifiers. If ordered deported you are to
23 leave the United States, not to return without the prior
24 permission of the Secretary of the Department of Homeland
25 Security.

1 Let me explain the sentence. You intentionally
2 committed a most severe crime. Most people who commit that
3 crime go to prison for five years or longer. The reason
4 that you're going to prison for two years is the
5 government's motion, your own conduct, and the fact that I
6 do take into account your health situation. This is an
7 individually, individual sentence individually fashioned.
8 It is a just and a fair sentence.

9 You will get credit toward the service of this
10 sentence for each day you've been held in custody from
11 July 13th, 2004 until the present.

12 You have the right to appeal from any finding or
13 ruling the Court makes against you. Should you appeal and
14 should your appeal be successful in whole or in part the
15 case will be resentenced before another judge.

16 Do you have a recommendation concerning the place
17 of confinement, Ms. Byrne?

18 **MS. BYRNE:** Oh, yes, your Honor, I do actually. It
19 was the very last thing I forgot to address.

20 **THE COURT:** No, it's timely now.

21 **MS. BYRNE:** Okay.

22 **THE COURT:** Now that I've imposed the sentence.

23 **MS. BYRNE:** Right. I was going to ask that you
24 make a recommendation that he finish his sentence at FMC
25 Devens which is where he is.

1 **THE COURT:** I emphatically make that
2 recommendation. I know it's in the hands of the Bureau of
3 Prisons. While everyone can draw their own conclusions, I
4 have not been insensitive to his mental health issues. I do
5 recommend incarceration at Devens.

6 **MS. BYRNE:** Thank you, your Honor.

7 **THE COURT:** That's the sentence. He's remanded to
8 the custody of the marshals. We'll call the next case.

9 (Whereupon the matter concluded.)
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